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COMMITTEE ON THE RIGHTS OF THE CHILD

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 44 OF THE CONVENTION

Initial reports of States parties due in 1992

Addendum

BARBADOS

[12 September 1996]

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Foreword

In keeping with the principle of the Convention on the Rights of the Child (hereafter referred to as the Convention) outlined in Article 44, paragraph 1, which states that "States parties undertake to submit a report on the measures they have adopted which gives effect to the rights recognized therein and on the progress made in their enjoyment of those rights", the Government of Barbados submits this initial report for the reporting period 1990-1992. The information presented covers the period up to the date of the preparation of this report, May 1995.

The Child Care Board was the agency assigned with the responsibility for the preparation of this report. The Child Care Board is a Statutory Corporation established by the Child Care Board Act 1969. In 1981 the original Act was replaced by a new Act to allow the Board a wider scope of operation. The Child Care Board Act 1981 empowers the Child Care Board to:

(a) Provide and maintain child-care centres for children in need of care and protection (such as day-care centres and children's homes);

(b) Provide counselling and other services such as would meet their special needs:

(i) For children in need of care and protection;

(ii) For the parents and guardians of those children.

(c) Place children in foster care;

(d) Supervise foster children and foster parents;

(e) Register, license and regulate private day-care services;

(f) Undertake such other functions as the Minister directs.

In order to implement its stated objectives the Child Care Board works with public sector and private sector agencies and individuals. The compilation of this report is, however, the collaborative effort of not only the Government and non-governmental agencies but also that of the community.

A steering committee was set up consisting of representatives of Government and non-governmental organizations. This committee met on occasions and assigned individuals the task of investigating, analysing and preparing reports on the provisions of the Convention.

A preliminary report was circulated to all government departments, ministries, relevant non-governmental organizations, youth groups, trade unions and staff associations and various individuals for comment. Their comment have been incorporated in this final report.

To achieve community participation, meetings were held at strategic locations which allowed for maximum participation of the population. Meetings were held throughout the island at various community centres and church halls.

Resource persons at these meetings were drawn from the field of law, social welfare, juvenile justice, counselling and therapeutic services, education and health. Members of the community voiced their concerns on the Convention on the Rights of the Child vis-à-vis national policies. These concerns are embodied in this document.

The Child Care Board would therefore like to acknowledge all of the contributions made to the preparation of this report.

The Government of Barbados continues to be strongly committed to making the principles of the Convention a reality in the lives of its people.

Introduction

1. The Government of Barbados has always recognized the value of its people and, with this, the importance of children and the quality of life they experience. For a long time, the rights and interests of children have been a priority, and as such many of the basic protections emphasized in the Convention have been a part of national legislation, programmes and practice.

2. The Government of Barbados has always committed itself to a path of investing in the development of children through education and health programmes. This investment in human capital has therefore become the core of the Government's development strategies, and is reflected in the projected 39 per cent of the national budget for the period 1994-1995 being allocated to the above-mentioned programmes (see tables 1 and 2).

Table 1

Central government total expenditure by functional classification
(in millions of BDS$)

	1990-1991 Actual	%	1991-1992 Actual	%	1992-1993 Actual	%
Total expenditure	1 196.9	100	1 041.1	100	1 058.1	100
Education	285.0	23.8	218.9	21.0	214.5	20.3
Health	165.8	13.9	155.6	14.9	134.9	12.7
Total contribution (Health and education)	450.8	37.7	374.5	35.9	349.4	33.0

Source: Ministry of Finance Statistics, 1995.

Table 2

Central government total expenditure by functional classification
(in millions of BDS$)

	1993-1994 Actual	%	1994-1995 Projected	%
Total expenditure	1 123.0	100	1 073.0	100
Education	264.4	23.5	239.2	22.3
Health	143.7	12.8	182.0	17.0
Total contribution (health and education)	408.1	36.3	421.2	39.3

Source: Ministry of Finance Statistics, 1995.

3. Successive Governments have recognized the need for special protection for the developing minds and bodies of children, and have sought to improve their plight. This was accomplished by ensuring that the laws were congruent where possible with the principles outlined in the Convention, and that these were translated into everyday practice in the lives of its citizens.

4. However, during the early 1990s the international economic recession and subsequent national economic recession with its structural adjustment programme impacted negatively on levels of employment, income, standard of living and service provision. Social service programmes could not be pursued as vigorously as they had been and this resulted in some setbacks and pockets of need for children.

5. Barbados can be justly proud of its record in working with children and will not become complacent in the furthering of the development and protection of this valuable sector of the population.

6. At present, every effort is being made to consolidate our past achievements and to ensure that they are sustained and improved upon in the future. Barbados is totally committed to the principles enshrined in the Convention.

I. GENERAL MEASURES OF IMPLEMENTATION

A. Measures taken to harmonize national laws and policies with the provisions of the Convention

7. At the date of its ratification of the Convention, the Government of Barbados found itself in a fortunate position in that it had enacted much of the legislation required to implement the Convention. Since ratification of the Convention, two areas were specifically addressed, namely:

(a) The non-imposition of capital punishment in respect of convicted offenders under the age of 18 years;

(b) The provision of legal aid services to and for the benefit of minors.

8. Since then both of these have been enacted by law as follows:

(a) The Juvenile Offenders Act (chap. 138, sect. 14) which states:

"The sentence of death shall not be pronounced on or recorded against a person convicted of an offence if it appears to the court that at the time when the offence was committed he was under the age of 18 years; but in lieu thereof the court shall, notwithstanding anything in this or in any other Act, sentence him to be detained during Her Majesty's pleasure, and if so sentenced, he shall be liable to be detained in such place and under such conditions as the Governor General may direct and whilst so detained shall be deemed to be in legal custody.";

(b) The Community Legal Services Order 1990 extends the provision of legal aid to include "all family matters except divorce", other civil "matters involving minors" and "all offences where the person charged is a minor".

9. Barbados continues to reform its legislation affecting children and by so doing has made it easier for the protected rights mentioned in the Convention to be enjoyed. The following legislation was enacted subsequent to the signing of the Convention:

(a) Protection of Children Act 1990 (1990-36). This Act came into effect on 20 December 1990 and is aimed at protecting children from exploitation by preventing the making of indecent photographs of them. In this context a child is defined as "a person under the age of 18" (sect. 2). The maximum penalty provided is five years' imprisonment where the charge is brought on indictment and two years if brought summarily;

(b) Sexual Offences Act, 1992. This statute was enacted on 3 February 1992 to revise and reform the law relating to sexual crimes. Section 4 provides for a maximum penalty of life imprisonment for persons found guilty of having sexual intercourse with persons under 14 years of age and section 5 specifies a penalty of 10 years where the victim is between 14 and 16 years of age. Similar penalties are provided for the offence of incest (sect. 6). There is a provision for in camera hearings where the complainant is a minor (sect. 30);

(c) The Domestic Violence (Protection Orders) Act, 1992. This domestic violence legislation primarily provides for the granting of protection orders in circumstances surrounding domestic violence. This Act empowers a spouse, former spouse, child-care officer or welfare officer to apply to the court on behalf of a child against whom an offence was committee, or harassment was conducted, for such an order. Section 6 enables a court to order the removal of the perpetrator of the violence from the home. Section 6 (5) mandates the parties involved in the violence to attend professional counselling and therapy sessions. Such sessions are to form the basis of a report which counsellors must forward to the court within a given time. Section 7 makes it mandatory for the court to have regard to the welfare of any child who is a member of a household which may be the subject of any investigation. Section 14 authorizes a police officer to enter any premises without warrant to give assistance to any person if he has reasonable grounds to suspect eithe that a protection order is being violated or that someone is in imminent danger of suffering physical injury or has suffered such injury.

B. Coordinating children's policies and monitoring the implementation of the Convention

10. The responsibility for policy on matters relating to children does not rest exclusively with one government ministry or department. There is considerable collaboration among relevant departments and between government departments and non-governmental agencies such as the United Nations Children's Fund (UNICEF), the Pan-American Health Organization (PAHO), the World Health Organization (WHO), Parent Education for Development in Barbados (PAREDOS) and National Children's Home (NCH) Action for Children.

11. As stated, the Child Care Board is the authorized body to advocate on behalf of children and as such through its supervising ministry (Ministry of Labour, Community Development and Sports) will be responsible for the monitoring and implementation of the Convention.

12. The following government departments were asked to review the Convention as it impacted on them and submit a report to the Child Care Board: Ministry of Health; Ministry of Education, Youth Affairs and Culture; the Royal Barbados Police Force; the Attorney-General's Office. These reports are incorporated into this document.

C. Publicizing the provisions of the Convention

13. Following the signing and subsequent ratification of the Convention a series of activities were held in order to assist in the publicizing of the Convention. These activities were many and varied and are discussed below.

14. A symposium was held in September 1990 during the Child Care Board's twenty-first anniversary celebrations. The focus of the activities was on the signing of the Convention, its pending ratification and its implications for the country.

15. A Caribbean Summit for Children was held in November 1991. At this summit children from the Caribbean fully and competently expressed their views to those present on selected articles of the Convention. Their views were subsequently conveyed to their heads of State by the then Prime Minister at a regional heads of Government meeting co-sponsored by UNICEF.

16. Barbados supports the World Declaration on the Survival, Protection and Development of Children. The Declaration required the preparation of a Plan of Action for children through to the year 2000. A multidisciplinary workshop was held on 8 February 1992 which focused on the preparation of a National Plan of Action on the Survival, Protection and Development of Children in Barbados. The subjects covered were:

(a) The Convention;

(b) Child health, food and nutrition;

(c) The role of women and the family;

(d) Children in especially difficult circumstances;

(e) Basic education and literacy;

(f) Economic revitalization.

This Plan of Action was prepared by a Committee of eminent local persons and will be examined with a view to planning and implementing programmes in the best interest of children in Barbados.

17. As part of the Child Care Board's commitment to public education, several discussions on the Convention have been held since 1990 with various schools, Parent-Teacher Associations, churches and youth groups throughout the Island.

18. In December 1994, a two-day workshop was coordinated by the Centre for Justice and International Law (CEJIL) and the National Committee on the International Year of the Family. CEJIL is a non-governmental organization based in Barbados, its prime focus is on human rights issues. This workshop brought together government and non-governmental agencies and individuals to discuss the reporting on the Convention.

19. Child Month, celebrated in the month of May, is an important annual event in Barbados. Since 1967 this period has been so designated by the Child Care Board in order to sensitize the nation on issues regarding children. During Child Month issues relating to the Convention have been raised in public forums and have been discussed at seminars by secondary school children and resource professionals. For 1995, the Child Care Board chose as its theme "Ensure the rights of the child". Copies of the UNICEF publication Its only Right! A Practical Guide to Learning About the Convention on the Rights of the Child were sent to all of the government and private secondary schools. Representatives from these schools and from youth groups were to attend a youth seminar on 13 May 1995 to discuss selected articles of the Convention. The presenters at this seminar will be schoolchildren.

20. There is also a commitment from the Government Information Service to utilize radio and television to make the public more aware of the Convention during the month of May 1995. The print media will also be involved in publicizing the Convention.

21. There is collaboration between Government and the private sector on issues relating to children, their optimum survival, development and their human rights. Parent Education for Development in Barbados (PAREDOS) emphasizes parent education during one month each year. The focus of this month is to educate parents on issues which will enhance their child-rearing skills and the parenting process.

D. Publicizing the report

22. The Government of Barbados is committed to publicizing this report. The media, through call-in radio programmes and newspapers, were also involved in educating the public on the Convention on the Rights of the Child. It is intended to make this report available through the library system. It is hoped that these efforts will reinforce the Government's commitment to making this report as widely available to the public as possible.

II. DEFINITION OF THE CHILD

23. Several statutes outline the various legal minimum ages for specific activities relating to children.

Age of majority

24. The age of attainment of majority is defined in the Minors Act (chap. 215, sect. 3 (1)), which states: "A person shall attain full age on attaining the age of eighteen (18) ...". This provision emphasizes that the age of majority is 18 years and at this age the person may exercise the democratic right to vote.

Legal and medical counselling without parental consent

25. The minimum legal age at which a child may obtain legal counsel without parental consent is not specifically addressed in the legislation. However, the Constitution of Barbados, chapter 3, section 13 (2), provides that any person who is arrested or detained has the right to retain and instruct, without delay, a legal adviser of his/her own choice, and to hold private communication with such an adviser. It follows, therefore, that the right to have legal representation is guaranteed to all children.

26. In a decision of the English court, it was pointed out that parental authority "yields to the child's right to make his own decisions when he reaches a sufficient understanding and intelligence to be capable to making up his own mind on the matter requiring decision". (Gillick v. West Norfolk and Wisbech Area Health Authority 1986, A.C. 112). This case could be persuasive authority in Barbados courts. The consideration of the mature child's opinion principle has been accepted and applied in the Family Division of the Barbados High Court. The wishes of a 14-year-old boy were taken into account and influenced the decision of the court (Haloute v. Adamira, unreported, No. 233 of 1989 Barbados High Court Judgements). The age of 16 is generally considered to be the age of sufficient understanding and intelligence to permit individual decision in several areas including consent to medical treatment.

End of compulsory education

27. The Education Act 1981 (chap. 41) provides for a coordinated and effective system of public education related to the needs of the people of Barbados. In this Act, a child is defined as "a person under the age of sixteen (16) years" (sect. 2 (1)). Consequently, section 2 (1) affirms that compulsory school age means any age between 5 and 16 years.

Employment: part time/full time

28. The Employment (Miscellaneous Provisions) Act 1977 (chap. 346) makes provisions regarding the employment of persons, referred to as "child" and "young person". Section 2 states that a child is "a person under the age of fifteen (15) years while section 2 (d) defines a young person as "a person who is at least fifteen (15) years of age but under the age of eighteen (18) years".

29. This definition of a young person is further supported by the Factories Act (chap. 347), which was passed to revise and consolidate the Law relating

to factories and the safety, health and welfare of persons employed therein. Section 2 of that Act defines a "young person" as one who has attained the age of 15 years but is under the age of 18.

30. The Employment (Miscellaneous Provisions) Act 1977 (chap. 346) and the Regulations governing matters of employment do not specifically mention part-time employment. However, reference is made to "hours of work", for example, "during school hours" and "at night". "Night" is defined as the period between 6 p.m. and 7 a.m. (sect. 7). Furthermore, section 14 (1) of the Act states: "No person shall employ a child or young person of compulsory school age in any undertaking whatever during school hours". Section 13 states that: "... no child shall be allowed to work between 6 p.m. of one day and 7 a.m. of the following day in any undertaking whatever".

31. From the above, one can infer that the legal minimum age at which an individual may be employed is after the attainment of his/her sixteenth birthday or the completion of compulsory school age. This inference was made because compulsory school age ceases at age 16. A person of 15 years may be employed outside of school hours (sect. 2).

Hazardous employment

32. In respect of hazardous employment the Employment (Miscellaneous) Act (sect. 8 (1)), states that: "no young person shall be employed in any industrial undertaking during the night or in any work that by its nature or circumstances under which it is done is likely to cause injury to his health, safety or morals". However, this does not extent to a child. The Act is quite specific in this area. It states that no child shall be employed on a ship or industrial undertaking (sect. 9). Consequently, it appears as if children are precluded from involvement in hazardous employment.

Sexual consent

33. The legal minimum age at which an individual may give sexual consent is 16 years. This age is stated in both the Offences Against the Person Act (chap. 141, sect. 43 (2)) and the Sexual Offences Act 1992 (sect. 11 (2)). This legislation provides that a person under the age of 16 years cannot legally give any consent which would prevent a sexual act from being an assault for the purposes of these sections.

Marriage

34. The minimum legal age at which a person may enter into marriage is 16 years. The Marriage Act (chap. 218 (A)), states that: "a marriage solemnized between persons either of whom is under the age of sixteen (16) is void" (sect. 4). "However, where one of the persons intending to marry is over sixteen (16) years but under eighteen (18) years a parent or lawfully appointed guardian's consent is required, and in the absence of the consent of the above-mentioned parties the Court may dispense with such consent on the application to the Court by either party" (sect. 26).

Voluntary enlistment and conscription in the armed forces

35. A person may enlist voluntarily into the armed forces at the minimum age of 18 years. The Defence Act (chap. 159, sect. 19 (2)) states that a recruiting officer shall not enlist a person under the age of 18 years in the regular force unless consent to the enlistment has been given in writing by a parent or person in whose care the young person is held. There is no system of conscription into the armed forces of the country.

Voluntarily giving testimony in court

36. The Evidence Act 1994-4 states that where a child between the ages of 7 years and 14 years is presented as a witness, the court must determine whether such a child is possessed of "sufficient intelligence" to justify receiving this evidence. The court must also determine whether a child of this age is competent to understand the truth and the implications of not telling the truth as well as the importance of taking the oath. Where the child is under seven years of age, the court is required to make similar determination (sect. 15).

Criminal liability

37. The Juvenile Offenders Act (chap. 138) addresses the issue of criminal liability. In this Act, the age of criminal responsibility is fixed at age seven years. Below this age a child is considered, in law, to be incapable of committing a crime. In addition to the age requirement, the court must be satisfied that the child has sufficient mental capacity to commit the crime. One commentator on the subject feels that children under the age of 12 years are hardly ever brought before the Juvenile Court because it is accepted that children of that age are usually more in need of guidance and control rather than punishment (Mason, S., 1989, "Due Process, Human Rights and Administration of Juvenile Justice: A Comparative Study of Juvenile Systems in the Region").

Deprivation of liberty

38. In Barbados, persons are not deprived of their liberty except after due process of the law and the courts so determine. The Reformatory and Industrial Schools Act (chap. 169) states that a child under the age of 10 years must not be sent to the Industrial School "unless he has been previously charged with some crime or offence punishable with imprisonment or is sentenced by a judge" (sect. 11 (2)). Where a child is found guilty of an offence for which the punishment could be imprisonment the child may be sent to the school but must not be detained for more than five years or beyond the time when the child reaches his or her nineteenth birthday (sect. 11 (1)).

Imprisonment

39. The minimum legal age at which a person may be imprisoned is 16 years. It is generally accepted that no child or young person should be sentenced to imprisonment. Young persons over the age of 16 years whose behaviour constitutes a serious and wilful breach of the rules of the Industrial School may be transferred to prison. In order to effect such a transfer the

principal must make a report to the court emphasizing that the young person's behaviour has deteriorated so as to cause serious problems at the school before requesting that the young person be removed from the school and committed to prison.

Consumption of alcohol and other controlled substances

40. The minimum age for the public consumption of alcohol is clarified by the Liquor Licences Act (chap. 182, sect. 70 (1)), because the Act makes it an offence for the holder of a liquor licence or other person to sell or supply any intoxicating liquor to be consumed on licensed premises to any person under the age of 16 years. This legislation specifically deals with licensed premises and therefore does not refer to unlicensed premises or private homes.

41. The use of narcotic drugs is controlled by the Drug Abuse (Prevention and Control) Act 1990-14. Section 21 of this Act makes it an offence for a person to have a controlled drug in his possession, or within a radius of 100 yards of any school premises. A controlled drug is defined as a narcotic drug or psychotropic substance or substances which are specially listed in the legislation. Section 22 of that same Act makes it a serious offence for a person to knowingly and intentionally employ, hire, use, persuade, induce or coerce a child to commit any offence related to the possession or abuse of drugs. Essentially, this provision is aimed at those who may attempt to employ or hire children to be involved in the drug trade.

Summary

42. The most problematic age group falls between 16 years and 18 years. These young persons are legally still minors. Where the behaviour of such persons is delinquent, there is great difficulty in dealing with them. The Government should consider a halfway facility or residential centre to which such persons could be sent for training and discipline to prepare them better to fit into the society.

III. GENERAL PRINCIPLES

A. Article 2 - Non-discrimination

43. Chapter III of the Barbados Constitution recognizes and protects the fundamental rights and freedoms of the individual. In particular, article 23 (1) protects from discrimination on the grounds of race, place of origin, political opinion, colour or creed. It states that:

> "(a) no law shall make any provision that is discriminatory either of itself or in its effect, and
>
> "(b) no person shall be treated in a discriminatory manner by any person acting by the virtue of any written law or in the performance of the functions of any public office or any public authority. 'Discriminatory' means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political opinions, colour or creed whereby persons of one such description are subjected to disabilities or

restrictions to which persons of another such description are not made subject or are accorded privileges or advantages which are not afforded to persons of another such description."

44. In addition, the Status of Children Reform Act 1979 (chap. 220) provides for the equal status of children whether born in wedlock or out of wedlock.

B. Article 3 - Best interests of the child

45. In keeping with the principles outlined in article 3 of the Convention, the law in Barbados recognizes this right. It is a general principle of law in Barbados that the welfare of the child must be of paramount consideration. This concept is reflected in legislation. The Family Law Act (chap. 214, sect. 43 (1)) states that in matters relating to guardianship, custody or access to children the court must regard the welfare of the children as the first and paramount consideration. This legislation further states that the court must not make an order in relation to these matters which is contrary to the wishes of a child who has attained the age of 16 years unless the court feels that in the circumstances it is necessary to do so.

46. Under section 42 of this Act the court is under a duty not to dissolve a marriage absolutely until it is satisfied that where children of the marriage are under 18 years, "proper arrangements in all the circumstances have been made for the welfare of those children". The Minors Act (chap. 215) further emphasizes this principle. Section 8 affirms that in proceedings relating to custody or the upbringing of a minor the court "shall regard the welfare of the minor as the first and paramount consideration".

47. In common law, the court also has an inherent jurisdiction to act in the interests of a child by making the child a ward of court, the Crown offering protection as parens patrae. In addition, the concept of the best interest of the child is also stated in the Juvenile Offenders Act (chap. 138), the Adoption Act (chap. 212) and the Child Care Board Act (chap. 381).

C. Article 6 - The right to life, survival and development

48. Barbados accepts that every person, including the child, has the inherent right to life. This right is protected by the law, namely:

(a) The Barbados Constitution protects a person's right "not to be deprived of his life intentionally save in execution of the sentence of a court in respect of the criminal offence under the laws of Barbados of which he has been convicted ...";

(b) The Juvenile Offenders Act (chap. 138) states that a person who has been convicted of an offence that was committed when he was under the age of 18 and that carries the death penalty cannot be sentenced to death, but instead is to be detained in such a place and under such conditions as the Governor-General may direct.

D. Article 12 - Respect for the views of the child

49. In accordance with the requirements of article 12 of the Convention, concerning the child's right to express his views and to have them taken into account, several pieces of legislation address this issue. For example, the Family Law Act (chap. 214, sect. 43 (1b)) emphasizes that in custodial proceedings the court must not make any order contrary to the wishes of a child who has attained the age of 16 years unless satisfied that it is necessary to do so having regard to special circumstances.

50. The Adoption Act requires the court before making an order to give due consideration to the wishes of the minor who is old enough to understand the nature of the process. In common law, with respect to custodial proceedings, the parents' right to custody would not be enforced against the child's wishes once the child has reached the age of maturity and understanding. In a decision of the Barbados High Court, the court considered the wishes of a 14-year-old boy in a matter of custody because it considered he had reached a stage in his development where his wishes could be taken into account. The court applied the "maturity principle" despite the 16-year-old requirement in the Family Law Act (sect. 43 (1)) (Haloute v. Adamira. Unreported, No. 233 of 1989 Barbados High Court Judgements).

IV. CIVIL RIGHTS AND FREEDOMS

A. Articles 7 and 8 - Name, nationality and identity

51. The Constitution protects and guarantees the civil rights and freedoms of all individuals living in Barbados. Therefore, such a guarantee is automatically extended to the child. It is generally accepted that all persons should be part of a family and, as such, legal requirements for name, nationality and identity are stipulated.

52. The Vital Statistics Registration Act, 1981 (chap. 192 (A)), corroborates this statement by requiring that all births be registered within 28 days of that birth and that the name of the child be recorded at the time of the registration of that birth. Section 10 of the same Act states that generally, any child born in Barbados acquires Barbadian nationality. A child born outside of Barbados, if born in wedlock of a Barbadian father who himself is a Barbadian by birth, acquires Barbadian citizenship or nationality.

53. Chapter 2 of the Constitution states that where a child is not born in Barbados and is born out of wedlock to a Barbadian mother, the child acquires Barbadian nationality.

54. Non-Barbadian minors may become citizens of Barbados under the Barbados Citizenship Act, 1986 (chap. 186). This Act authorizes the Minister of Government to permit a non-Barbadian minor to be a citizen of Barbados. The law allows for a person to acquire Barbadian nationality through marriage or naturalization.

55. There are very few cases where parents fail to comply with the 28 days stipulation. When this is discovered a late fee is imposed on the parents and the appropriate steps are taken to have the child legally registered and

named. A birth certificate is available on registration. In accordance with the religious persuasion of the parents, the child is baptised and a baptismal certificate is also made available. Under the National Insurance and Social Security Legislation (chap. 47), a child may be registered and issued with an identification card like any other citizen of Barbados. This provides a legal means of identification. Additionally, a child may obtain a valid passport through procedures established by the immigration legislation and the Immigration Department.

56. A child retains his/her surname, which is the symbol of connection to his/her parents, even when he/she is separated from them. A child's surname may be changed through the process of adoption and the Change of Name Act (chap. 212 (A)).

B. Article 13 - Freedom of expression

57. Freedom of expression is guaranteed under the Constitution. The child's rights in this regard are the same as all other individuals in that they are limited only to the extent to which they interfere with the rights and freedoms of others or are contrary to the public interest.

58. The freedom of expression is enshrined in article 20 (1) of the Constitution which states: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of expression, and for the purposes of this section the said freedom includes the freedom to hold opinions without interference, freedom to communicate ideas and information without interference and freedom from interference with his correspondence or other means of communication".

59. Traditionally, the notion of children being "seen and not heard" exists. However, this is gradually changing and opportunities for dialogue and free expression are being encouraged. Vibrant call-in radio programmes facilitate freedom of expression. Any person, no matter what age, may call in and share his/her opinion on any matter. There are a variety of school organizations and extracurricular activities which encourage children to debate and express themselves clearly and effectively. Seminars are also sponsored by various organizations and government agencies to provide opportunities for self-expression. An annual Youth Summit is organized by the Royal Commonwealth Society (Barbados Branch). This Summit attempts to follow United Nations procedures.

C. Article 17 - Access to appropriate information

60. The Constitution (art. 20) provides for the protection of the freedom of expression for all, including children. The mass media in Barbados are encouraged to disseminate information which is directed to benefit citizens, particularly children. Children's programmes are broadcast on radio and television. The print media include specific pages for children.

61. The Government's policy is to ensure that information disseminated is geared towards the uplifting and development of children; for example, there is a Film Censorship Board established under the Films Act, 1993-16 which approves, prohibits or regulates the exhibition and distribution of film for

viewing in Barbados. The Film Censorship Board determines whether the film is suitable for viewing by children. Failure to comply with the stipulated regulations results in a fine being imposed on those held responsible. The Broadcasting Act (chap. 274 (B)) establishes an Authority which controls and directs radio and television programmes. Complaints may be made to the Authority by members of the public where inappropriate materials have been disseminated.

62. Writers and publishers are encouraged to prepare and circulate materials suitable for children. Several Barbadian and Caribbean writers continue to publish children's books. The Ministry of Education holds the responsibility for determining the suitability of texts and other literature to be used by children in the primary schools.

63. The Government of Barbados is committed to ensuring that the most suitable and appropriate materials are published, circulated and used by its children.

D. Article 14 - Freedom of thought, conscience and religion

64. This fundamental human right is protected under article 19 (1) of the Constitution which states: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of conscience and for the purpose of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or beliefs, and freedom either alone or in community with others, and both in public and, in private, to manifest and propagate his religion or belief in worship, teaching, practice and observance". This right is manifested in the fact that there are many religions and places of worship throughout the Island. Parents have the right to stipulate the religion of their children or the faith they would like them to practise or observe.

E. Article 15 - Freedom of association and peaceful assembly

65. Article 21 (1) of the Constitution provides for the protection of this right where it states: "Except with his own consent, no person shall be hindered in the enjoyment of his freedom of assembly and association, that is to say, his right to assemble freely and associate with other persons ...".

F. Article 16 - Protection of privacy

66. The Constitution makes provision for the protection of this right in article 17 (1) which states: "Except with his own consent, no person shall be subjected to the search of his person or his property or the entry by others on his premises".

67. The contemporary situation which may result in an apparent introduction of violence into schools and the potential for the introduction of drugs into schools raises the issue of whether schools may have to institute regulations relating to the searching of students and any bags they carry. The debate on this matter is still continuing.

G. Article 37 - Protection from inhuman treatment, torture or degrading punishment

68. This right is guaranteed in article 15 (1) of the Constitution which states that: "no person shall be subjected to torture or inhumane or degrading punishment or other treatment". In addition, the Prevention of Cruelty to Children Act (chap. 145, sect. 5 (1)) provides that anyone who is 16 years or over and who has in his/her custody or care a child under 16 years will be guilty of an offence if he/she assaults, ill-treats, neglects, abandons or exposes that child to unnecessary suffering or injury to its health (including injury to or loss of sight or hearing or limb or organ of the body and any mental derangement). A similar offence will be committed if such a person causes any of these acts to be committed against a child. This section particularly attempts to protect the child from unnecessary suffering or injury to his or her health, mental or physical. This legislation provides strict penalties for the commission of such an offence.

69. Corporal punishment may be administered in schools as part of the disciplinary procedure. However, such force must be no more than is reasonably necessary in all circumstances. Recently, a decision of the Supreme Court of Barbados recognized the right of teachers to administer corporal punishment to children (Mayers v. the Attorney-General of Barbados and King).

70. A 1989 amendment to the Juvenile Offenders Act prohibits the imprisonment of or the imposition of capital punishment on persons below the age of 18 years. Anyone who believes that his/her right to liberty or any other right has been contravened may seek redress from the court in Barbados. Such cases are to be heard promptly (Constitution, art. 24).

V. FAMILY ENVIRONMENT AND ALTERNATIVE CARE

A. Articles 5 and 18, paragraphs 1 and 2 - Parental guidance and responsibilities

71. Among the principles inherent in the child-rearing process are the responsibilities of the parents to provide guidance, instruction, leadership and discipline appropriate to the child's evolving capacity. The extended family should also bear such responsibilities. This principle of parental responsibility is accepted by the Government of Barbados and by Barbadians generally.

72. Common law and statute recognize that parents should be responsible for the upbringing of their children. Parental responsibilities include making arrangements for such matters as guardianship, education, religion, maintenance and general protection. Provision is also made in the relevant legislation for children to be provided for by their parents.

73. The Family Law Act (sect. 40) addresses the matters of guardianship and custody of children both of a marriage and a union. A union is defined in the legislation as a relationship between a man and a woman who are not married to each other but who have cohabited continuously for a period of five or more years. Either of the parties is entitled to custody or joint custody. Orders

may be made as long as the welfare of the child is given paramount consideration. The Minors Act (chap. 215) also addresses custody and access issues in similar fashion.

74. The maintenance of children is provided for under the Family Law Act (chap. 214) and the Maintenance Act (chap. 216). Either parent may be required by the court to maintain his/her children if necessary, according to his/her financial resources. Maintenance must be provided until the child reaches the age of majority, that is 18 years, and may continue after the attainment of majority where this is required for the purposes of education or training or where the child is mentally or physically incapacitated.

75. The Education Act (chap. 41, sect. 41), states that the parent of every child of compulsory school age must ensure that the child receives full-time education suitable to his age and ability. In order to do so the child must attend regularly a public or private school or be provided with education which satisfies the requirements of the Act. Section 43 of the same Act places the duty on school attendance officers to ensure that parents are complying with the requirements. School attendance officers investigate the family circumstances and assist with counselling where necessary, or make referrals to other social service agencies which are better able to address the problems and to facilitate the child's return to school.

76. Generally, minors follow the religious persuasion of their parents. There is freedom of religion in Barbados.

77. It is a generally accepted phenomenon that all families may not be able to cope during crises. These crises may be of an emotional, educational, medical or economic nature. As a result, Government has recognized its responsibilities to render the appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities. In this regard, five governmental agencies render family assistance. These are:

(a) The Child Care Board;

(b) The National Assistance Board;

(c) The Welfare Department;

(d) The Probation Department;

(e) The Juvenile Liaison Scheme.

78. The role of the Child Care Board has already been discussed in the foreword.

79. The Welfare Department provides several services to families. These services include family and marital counselling, as well as counselling in domestic violence, maintenance, financial support and custody matters. There is a welfare office in every parish to facilitate access to the services being offered.

80. The National Assistance Board provides services to families in need of household equipment and in need of structural repairs to the home. In some instances, the National Assistance Board may provide accommodation for families.

81. The Juvenile Liaison Scheme is an agency established and administered by the Royal Barbados Police Force. It offers family counselling particularly where children may be in conflict with the law or may exhibit behavioural problems which may bring them into conflict with the law. It also offers supervision services for children at home and school as well as conducts public education programmes.

82. The Probation Department assists families in custody and maintenance matters as well as provides counselling to parents and guardians when their children are in conflict with the law. The services provided by the Juvenile Liaison Scheme and the Probation Department are rehabilitative and redirective in focus.

83. In circumstances where assistance does not help families to fulfil their responsibilities and keep their children at home without risk to the children's development, the Child Care Board is authorized to apply to the courts to have the parental rights and duties in relation to the child vested in the Board (Child Care Board Act, chap. 381, sect, 5 (4)). Such applications may be made in situations as the death of the parents, the abandonment of the child, and the disability or unfitness of the parents.

B. Article 9 - Separation from parents

84. In Barbados, it is generally accepted that parents are the best persons to decide on the reasonable care and upbringing of their children. Occasionally, parents separate or divorce and the law makes arrangements for these eventualities. When separating parties cannot agree on what is best for the children, the law provides for the following options: sole custody to either parent; joint custody with care and control vested in one parent; and custody to someone other than the parent.

85. Section 7 of the Minors Act (chap. 215) states that: "The Court may, upon the application of any parent of a minor, make such order as it may think proper regarding the custody of such minor and the right of access thereto of either parent, having regard to the welfare of the minor and to the conduct of the parents and to the wishes as well as of the mother as of the father, and may alter, vary or discharge such order on the application of either parent, or, after the death of either parent, of any guardian under this Act ...". Section 18 (2) of the same Act states: "Nothing in this Act contained shall interfere with or affect the power of the Court to consult the wishes of the child in considering what order ought to be made or diminish the right which any child now possesses to the exercise of its own free choice".

86. The Family Law Act (chap. 214) deals in detail with custody and maintenance of children after the irretrievable breakdown of a marriage or a union. The legislation stipulates that all matters relating to the welfare of children must be settled before the final dissolution of marriage is declared.

In Part V of the Act, the legislation highlights the paramountcy of the welfare of the child and makes detailed provision for guardianship, custody, access to and maintenance of the child.

87. There are instances where parents seek the assistance of the Child Care Board and the Welfare Department in resolving custody matters before going to the High Court. In such cases, amicable and voluntary arrangements can be facilitated by these agencies, however, these are not binding on either party. What must be borne in mind is that every effort is made to keep the child's environment as stable, secure and nurturing as possible.

88. The Family Law Division of the High Court addresses issues relating to custody matters. This Court is assisted, on occasion, in its decision-making by the Child Care Board, Welfare Department or the Probation Department. In these instances reports are submitted by social workers on issues which are pertinent and considered to be in the best interest of the child. Social workers always seek to get the child's views on the issues involved where the child is mature enough to understand the implications.

C. Article 10 - Family reunification

89. Barbados believes in the concept of family cohesion, and as such has instituted legislation and other services to facilitate the promotion of this principle. No obstacles are placed in the way of family reunification. Parents and children are free to leave or enter the country in order to be reunited with each other. Parents and children are free to maintain contact with each other in any way or under any circumstances which they deem appropriate to their particular situation.

D. Article 27, paragraph 4 - Recovery of maintenance for the child

90. The maintenance of a child is critical for his/her development. However, there are some parents who fail to meet their responsibilities. In these circumstances, there is legal redress for the custodial parent. The Family Law Rules (rule 101) empowers the court to act against a person who was ordered to pay maintenance for the benefit of a child and who has failed or refused to do so. An application for the maintenance of the child may also be made by the appropriate officer of the court, the beneficiary of the order, the Chief Welfare Officer or the Director of the Child Care Board. On such an application the court may issue an enforcement order. Enforcement may take the form of garnishment; seizure of property or sequestration of the property.

91. In a decision of the Barbados High Court, it was pointed out that children should not be denied maintenance because of the irresponsible behaviour of a parent. An order for garnishment was made (Hayde v. Hayde, Unreported, No. 9d of 1982, Barbados Supreme Court Judgement).

92. Under rule 7 of the Maintenance Rules, the clerk of the magistrate's court has the responsibility of making application to the court for the enforcement of any arrears in payment in respect of the maintenance order. Attachment orders, with the respondent's consent, can be made in respect of the respondent's wages.

93. Provision is also made under the Maintenance Orders (Reciprocal Enforcement) Act, 1974 (chap. 217, sect. 13) for the enforcement of maintenance orders made in reciprocating States and registered in Barbados. Section 16 of the same Act provides for the enforcement of maintenance orders made in Barbados where the respondent is at present residing in a reciprocating State. The Attorney-General is the officer through whom the documents are relayed for transmission to the appropriate reciprocating State.

94. In spite of the legislation, there is often some difficulty in the recovery of maintenance. Several reasons may be suggested, among them, the father's perception of the issue of maintenance, the inability to locate the father, and unemployment. Some fathers see the paying of maintenance as giving money to the mothers, rather than to the child for his or her upbringing. In instances where there is tension between the parents, (for example, a broken relationship, interpersonal problems, difficulty quantifying the amount to be given to the child or unresolved custody matters) the money is often withheld as a means of punishing the mothers. Some fathers have no fixed place of abode, hence it is very difficult to locate them when there is a warrant or an order for an enforcement of maintenance to be served. In such cases, these warrants cannot be served and therefore it is not possible to conclude the process. As a consequence of the structural adjustment programme, many persons were retrenched and had difficulty in acquiring new jobs. Therefore, their obligations to their children suffered in that they were unable to pay maintenance.

E. Article 20 - Children deprived of a family environment

95. The philosophical orientation underlying the care and protection of children is that where at all possible, children should remain within their own family environment. This includes the immediate and extended family environment. However, where this is not possible every effort is made to place such children in a "family-type" environment. The family-type environment in this regard means a foster placement or the child may be permitted to live with another family member or a family friend.

96. There are occasions when neither of these types of placements is available. In such instances, the child is placed in a residential centre, commonly referred to as a children's home. These are under the authority of the Child Care Board. The objectives of the Board's child-care programme are to ensure that any child who is in need of care and protection is taken to homes in which there exists affection and personal interest. The Child Care Board realizes the importance of respect for the child's personality, regard for his/her self-esteem, and stability, so that the child can expect to remain in an environment with persons who will continue to care for him/her. The Child Care Board continually emphasizes this in its annual reports.

97. Children are taken into the care of the Child Care Board for the following reasons:

(a) If there is no parent or guardian;

(b) If there is desertion of abandonment;

(c) If the child is suffering from a disability;

(d) If there is illness or incapacity of a parent;

(e) If there is eviction of the family;

(f) If there is child abuse and neglect.

Foster care

98. Barbadian society has always displayed the community ethic. This has resulted in an informal foster care system. Children will be taken into the homes of relatives, close friends and neighbours in the community and cared for as if they belonged to those families. The foster care system was formalized in 1981 through the Child Care Board Act 1981 (chap. 381) with the objective to provide for short-term and long-term needs of children. The short-term aspect of the system was never fully developed as resources were limited and the perception of short-term placement has never seemed to be generally appreciated by the population. Short term is any period under six months. However, some children have been placed in short-term foster placements over the years. On the other hand, long-term placements have been very successful and children have remained with their foster parents until the age of majority and beyond. This positive response suggests the high quality of the assessment process and the bonding which results naturally between child and caregiver. Foster care, in principle, is seen as a step towards permanent placement, and in some cases families - individuals foster children with a view to adoption. At present, the Child Care Board has 39 children in foster care.

99. The recruitment of foster parents for short-term and emergency placements as well as for children with a disability and those over the age of 10 years remains a major concern to the Child Care Board. It appears as if foster parents are unclear of the ideas associated with short-term and emergency placements. These are usually required in cases where a person may be ill or unable to cope for a short period. Consequently, ongoing training for the Board's staff and public education are essential. This is the challenge to the Child Care Board.

100. Another challenge for this type of placement is the idea of the "professional" foster parent. This will require having a cadre of available foster parents, who at very short notice would be willing to take a child. This is an administrative and financial challenge in the light of economic restraints. With the "professional" foster parent emphasis must still be placed on the welfare of the child, respect for the child's views and on the ability of the foster parent to provide a caring family life. The Board, being cognisant that systems may be abused, is committed to ensuring that all children, where possible, are brought up in a reasonably secure family environment. Efforts are constantly being made to encourage persons to foster or adopt children with special needs. The response to this campaign has not been as favourable as expected, probably due to the current economic problems and possibly the method in which the information has been presented to the public.

Residential care centres/children's homes

101. There are 11 children's homes/centres operated by the Child Care Board. These children's homes were created for those children who had nowhere else to go or no one to care for them. Consequently, the Board has tried to make this traumatic separation from family a happy experience and as "family-like" as possible. Some of the larger children's homes which predominated during the 1960s were gradually replaced by smaller group homes or residential cottages. These smaller cottages were constructed to bring the intimacy of family life to institutional care. Of the 11 children's homes, 4 are large residential centres and 7 are smaller group homes. These centres cater for the development of children ranging from weeks old to over the age of majority. The latter are persons who are disabled.

102. In order to reinforce the family nature of the centres, the staff at the centres are called "aunties" and "housemothers". Attempts are made to involve men and women as role models for children in the children's homes and centres through the Board's voluntary programme where individuals adopt a centre. Both men and women visit the children. Each centre/children's home has a social worker attached to it.

103. The Child Care Board has concerns about its residential programme. These centre around: periodic overcrowding, the lack of privacy for the children and the small numbers of children between the ages of 14 and 18 years of age who are not discharged from residential care. With regard to the overcrowding and the lack of privacy for the children, such obstacles are usually due to the design of the facilities and the demand for space. The design of the children's home is of a dormitory style, rather than individual rooms. In the dormitory-style design, groups of children of the same sex are housed together, but sleep in individual beds or cribs. Children between the ages of 14 and 18 years remain in the residential centres or children's homes, mainly because some of them are disabled and there is difficulty in placing children in this age group who exhibit adolescent problems. Alternatives are being considered for children in the age group 16 to 18 years who have completed school and are at the stage where they are independent and have acquired the appropriate life skills to be accommodated under a boarding arrangement. Such an arrangement would depend on whether these young persons can be integrated into the normal commercial activity of the country and, on adequate placements being found.

104. Statistics relative to children living in alternative family arrangements during the period under review, and also for the period 1994 and 1995, are annexed (see appendix V).

F. Article 21 - Adoption

105. An informal adoption system similar to the arrangements described in relation to foster care has always been in effect in Barbados. The common practice was for a child to be taken into the care of a family member or a friend for a number of years, perhaps in order to provide that child with opportunities for a better life.

106. In 1955, the legal framework for adoption was established with the enacting of the Adoption Act. The Adoption Act conferred on the Welfare Department the powers to make provision for the adoption of children in Barbados. However, in 1981 when the Act was amended this responsibility was transferred to the Child Care Board. The 1981 amendment to the Adoption Act vested the authority for organizing procedures in adoption in the Child Care Board. The court is empowered to make the final adoption order.

107. The rules governing adoption are contained in the Adoption Act (chap. 212), as amended by the Adoption (Amendment) Act, 1981-35 and the Adoption Regulations 1986. The rules cover the following areas: Eligibility requirements; arrangements for adoption; consent to adoption; adoption orders; the function of the court as to adoption order, jurisdiction and procedures; effects of adoption orders; registration of adopters; overseas adopters.

108. The Adoption Act ensure that an adoption order can be made only by a court and that both birth parents must consent to the adoption. However, provision is made for instances where parental consent is unattainable or withheld. Parental consent may not be available because one or both parents cannot be located or because they will not agree to the adoption order.

109. Dispensation of parental consent may be applied for by the Child Care Board if the following conditions are met:

(a) The parent or guardian has abandoned, neglected or persistently ill-treated the minor;

(b) The parent or guardian has persistently failed to discharge his/her parental duties in relation to the minor;

(c) The person whose consent is required cannot be found or is incapable of giving consent or his/her consent is unreasonably withheld;

(d) There has been a supervisory period and a court process.

110. The prospective adopters are required by the Board to undergo an in-depth assessment by a social worker. Medical reports are also required. When the assessment is completed the social worker presents the report to a foster care and adoption committee of the Child Care Board which then forwards its recommendation to the Board for approval. The matching of child and prospective adopters is very important because it is during this process that the social worker examines carefully whether the needs of the family as expressed in the assessment will meet the needs of the child under consideration.

111. A supervisory placement period of six months is required. At any time during the period of supervision the Child Care Board may revoke the placement in writing or the prospective adoptive parents may give notice of their intention not to continue with the adoption process.

112. The Child Care Board recognizes that inter-country adoption may be of some value where the child cannot be placed in foster care or with an adoptive family in the child's country of origin. The Adoption Act (sect. 37) makes it

possible for a licence to be granted in the High Court to send a child abroad for the purposes of an adoption. However, the following conditions must be fulfilled:

(a) The applicant must be a citizen of Barbados who is resident abroad, or a citizen of and domiciled in a country with which Barbados has diplomatic or consular relations;

(b) The necessary entry documents must be granted by the Immigration Authorities for the purposes of finalizing the adoption in the country of residence;

(c) A satisfactory home study must be completed by a reputable adoption agency or a consular representative of Barbados;

(d) The adoption agency must accept responsibility for the transfer of the statutory six months' supervisory period and provide the Child Care Board with monthly progress reports.

113. When the licence is granted the applicant is required to come to Barbados for the High Court hearing and to receive the child into his/her care. The Adoption Regulations also make it possible for a resident of Barbados to bring a child into Barbados under an Order issued in another jurisdiction, entrusting that person with the care and custody of the child for the purpose of adoption. This is done, however only in cases where the Board is unable to find a child for the family and the likelihood of doing so in the future is remote.

114. The Child Care Board can also give permission for a child to be brought into Barbados for adoption, even though the possibility exists that a Barbadian child can, within a reasonable period of time, be placed with the same adopters. Exceptional and special circumstances must exist. To date, this kind of adoption has been acceptable only where there is a family relationship and it has mainly been exercised within the Caribbean.

G. Article 11 - Illicit transfer and non-return

115. There is no official evidence to support the occurrence of kidnapping or retention of children abroad by a parent or third party. The Adoption Act reinforces the Government's position on this subject. Section 31 of the Adoption Act makes it an offence for persons who were committed to have children placed with them for a specified period as part of a lawful arrangement made by the Child Care Board, and who failed to cause the child to be returned at the expiration of the relevant period, or any parent or guardian who fails to receive that child may be prosecuted or imprisoned for a maximum of six months. Barbados is a signatory to the International Convention of 30 September 1921 for the Suppression of the Traffic in Women and Children and its 1947 Protocol.

H. Article 19 - Abuse and neglect

116. The prevention of abuse and neglect of children is of prime concern, in that a victim of abuse experiences an adverse quality of life which may impact

negatively on him/her in later life. To this end, every effort should be made through education, social programmes, legislative reforms and institutional structures to reduce the incidence of abuse and neglect.

117. The Child Care Board is the administrative body which is responsible for the care and protection of children. Prior to 1981 issues relating to child abuse were part of the Board's general intake and case management programmes. In 1981, the Child Care Board established a specialized Child Abuse Programme. In-service training and staff development programmes were the first steps taken to establish the programme, as these allow practitioners to become familiar with the problems and relevant legislation associated with abuse and neglect. In the specialized Child Abuse Programme, a social worker is assigned specific responsibilities to formalize policy and management techniques for the programme. As a result, a register is established of persons considered to be at risk. The programme places emphasis on public awareness. The electronic and printed media are being used to provide information and education on Child Abuse and Neglect.

118. The school system is known to be one of the links in the identification process of child abuse and neglect, therefore, workshops and seminars have been conducted to assist teachers and guidance counsellors in the detention and intervention of child abuse

119. The legislation is another key in combating child abuse and neglect, thereby protecting children. Over the years, the Government has reviewed its legislation in an attempt to make it more effective. Recent legislation includes the Protection of Children Act 1990 (1990-36), the Sexual Offences Act 1992 (chap. 146 (A)), the Domestic Violence (Protection Orders) Act 1992. These statutes have been discussed in paragraph 9. Earlier legislation in the area of child abuse and neglect is the Prevention of Cruelty to Children Act (chap. 145, sect. 5) Amended in 1981-36.

120. When cases of suspected child abuse are reported to the Child Care Board and the Board upon investigation finds the child at risk in the present environment, the Board may remove the child to a place of safety, such as one of the Child Care Board's children's homes. Throughout the investigation, the child is counselled. Children may be referred to a psychologist if the need arises.

121. The Child Care Board has a facility for reporting cases of abuse. Any person may telephone or visit the department in order to provide information which may identify the victim and the perpetrators of the alleged abuse or neglect. Anonymity is also guaranteed to all persons making referrals. Referrals are received from victims themselves, from schools, family members, doctors, police and individuals who have knowledge of such an offence. It should be noted, however, that the reporting of child abuse and neglect is not mandatory. There is a close liaison between the Police Department and the Child Care Board and consultation is sometimes sought before proceedings are brought in respect of an offence committed against a child.

122. Some of the difficulties experienced by the Child Care Board in relation to the issue of abuse and neglect are as follows. Family members, in particular mothers, may not want to give evidence or refuse to cooperate with

the relevant departments, thereby hindering prosecution. It is hoped that such persons could be sanctioned for this type of behaviour. The length of time taken for judicial hearings is often very long. It may take as long as two years for a case to be heard. In such instances, where the victim is a young child, memory of the incident becomes blurred and prosecution is hindered, thereby thwarting the administration of justice. Also, there is a lack of collaboration between interrelated departments on occasion.

123. The establishment of a Family Law Court may greatly facilitate prosecution in the area of child abuse and neglect. Such a family court would include the relevant social services which could provide a comprehensive approach to the treatment of children in the matters of child abuse and neglect. Statistics relative to the incidence of child abuse and neglect are annexed (see appendices VI and VII).

I. Article 25 - Periodic review of placements

124. When children are in the care of the Child Care Board, it is the duty of the Board to ensure that their well-being is not compromised and in order to do this, periodic reviews are necessary. Periodic reviews are done for children in foster care, adoption and residential care. There is also provision for a review of those children in community placements.

125. With regard to children in children's homes, the Child Care Board Regulations 1985 place a duty on the Board to:

> "(a) ensure that each residential Child Care Centre (i.e., children's home, reception centre, group home or hostel that is provided and maintained by the Board) is administered in such a manner and in accordance with such principles as are calculated to secure the well-being of the children in the centre ...;
>
> "(b) ensure that each residential Child Care Centre is visited at least once monthly by a Child Care Officer who shall
>
> "(i) determine whether the centre is being administered in the manner referred to in paragraph (a); and
>
> "(ii) enter in the record book at the centre his comments in respect of his visit;
>
> "(c) appoint one or more medical officers for each residential Child Care Centre who shall
>
> "(i) visit the centre at least once monthly in order to examine the children placed at the centre and to administer such medical treatment as he considers necessary;
>
> "(ii) advise the officer in charge of the centre respecting the health of the children at the centre or the hygienic conditions of the premises of the centre ... ."

Child-care officers are also required to complete reviews of the children at least twice per year and formulate care plans for the children. The issue of permanence is central to the care plans.

126. In respect of foster care, the Board has the duty to ensure that a child-care officer visits the foster child and the foster home. Part I of Regulations 6 (2) legalizes such visits. A visit is required one month after the foster child has been placed in the foster home, and continuing as often as the welfare of the child requires. This officer must check on the situation of the foster child. The regulations also stipulate that the child must be visited once in every month for the first six months, and periodically thereafter. A review of the welfare, health, conduct and progress of each foster child is done by a child-care officer other than the officer who supervised the placement, at first within three months, and thereafter not less than once every three months.

127. Reviews of children in adoptive situations are done during the statutory six months' supervisory period, as was discussed above. Social workers have a responsibility to ensure that their clients, including children in the community, are well cared for in their homes. As a result, home visits may be done at the social worker's discretion.

128. Owing to the Government's structural adjustment programme and subsequent cuts in the social services budget, the Child Care Board has had to reduce the level of services offered to the children's homes and to families in the community. One noticeable reduction has been in the appointment of medical officdrs to the residential centres. However, the medical needs of the children are still met through the services of the polyclinics throughout the country and the main general hospital. Every effort is being made to reinstate the practice of one medical officer per centre for the period 1994 to 1995.

129. The phenomenon of homelessness is not yet a problem in Barbados.

VI. BASIC HEALTH AND WELFARE

A. Article 6, paragraph 2 - Survival and development

130. The survival and development of children have always been of paramount concern and importance to the Government of Barbados particularly as children under the age of 18 years represent 29.6 per cent of the population (1990 Population Census). The priority is to ensure that the basic needs of children are met so as to guarantee their survival and enhance their development. The 1978 Declaration of Almaty primary health care to which Barbados is a signatory, continues to be held as the standard for the development of the health services of the country. To this end, the Ministry of Health has stated its objectives in the Government's Development Plan 1993-2000.

131. With its commitment to providing accessible and adequate primary health care to its citizens, the Government continues to provide free primary and

preventative health services at the polyclinics situated in urban and rural areas throughout the country. The structural adjustment programme has inhibited the planned expansion of these facilities.

132. Barbados is well on the way to the elimination of the major childhood illnesses. This is due largely to a successful immunization programme. It is mandatory for all children to be fully immunized before entry into primary school and therefore 100 per cent of children by age five are immunized. Immunization services are provided free of cost at the polyclinics and through regularly organized immunization programmes when necessary.

133. Presently, Barbados and the region of the Americas have been declared "polio free". The region is now in the process of embarking upon an indigenous programme towards the complete elimination of measles. However, the incidence of this disease has been almost non-existent in Barbados for some time, with the last confirmed occurrence of measles being two cases in 1992. With regard to the other childhood diseases, the immunization coverage in children under one year of age is over 90 per cent. (Ministry of Health Statistics, 1995). Statistics relative to the above are annexed (see appendix VIII).

B. Article 23 - Disabled children

134. It is generally accepted that disabled children should be given the special care, education and training to enable them to enjoy a full and decent life. The Education Regulations 1992 make provision for a parent whose child is of compulsory school age and is physically or mentally handicapped to report the matter to the Minister of Education. The Minister must have the child examined by a registered medical practitioner and if the child is found to be blind, deaf or partially so, or is subnormal, or physically handicapped, or requires any other attention, arrangements are made for the child to be admitted to a special institution where possible.

135. The Education Act (chap. 41) provides for the education of the disabled child as part of the general system of public education. This falls under "special education", which is defined in the Act as "education suitable to the requirements of persons who are mute, deaf, blind or otherwise physically or psychologically disabled or mentally retarded". It also includes "education suitable to the requirements of pupils who are gifted or have exceptional ability".

136. At present, about 470 disabled children are being educated in Special Education Units. These Units are operated by teachers who have been specially trained to meet the demands of educating disabled children. During the last five years, there has been an increase in the inclusion of children with moderate/mild disability in the mainstream of 10 primary schools.

137. The School for the Deaf and Blind and the Centre for Prevocational Training are two government institutions reserved for special education. For the period 1994/95 the School for the Deaf and Blind had an enrolment of 60 children, of whom 26 were males and 34 females. The Centre for Prevocational Training for the same period registered 41 males and 23 females, giving a total of 64 students.

138. Currently, disabled children in Barbados can be found in their own homes in the community, the Child Care Board's residential centres, private residential centres and other government institutions. Examples of privately owned institutions which cater to the educational needs of the disabled are the Challenor School, the Learning Centre and the Thelma Vaughan Memorial Home.

139. The Challenor School currently has on register 29 children: 20 boys and 9 girls. It is divided into two sections, one for children aged 5 to 17 and the other for older persons. Parents are assisted by the Welfare Department with the payment of fees. This school emphasizes the teaching of primary daily living skills and also acedemics. In addition, the curriculum offers an education which enables individuals to develop well-rounded skills and interests.

140. The Learning Centre has an attendance of 83 children, 61 boys and 22 girls, and provides a basic primary school programme. It is operated by a non-governmental organization with annual government subventions. Fundraising events help to generate income and fees are paid by pupils.

141. The Thelma Vaughan Memorial Home has in residence 13 children. One boy attends primary school and another attends secondary school. The Home offers a residential programme. It is operated by a voluntary committee, which receives a subvention from the Child Care Board. The school also engages in fund-raising, and receives further aid through covenants and donations from individuals, agencies and organizations.

142. The Ministry of Health is responsible for coordinating medical services for all disabled children in Barbados. Services to these children are offered by the Children's Development Centre, the St. Andrew's Children's Centre and the Evalina Smith Children's Ward. The specific aims and objectives of the Children's Development Centre are

(a) To coordinate services for handicapped children on a national basis, to avoid duplication and to provide a range of services consistent with an overall plan;

(b) To provide registration of all disabled children from first referral;

(c) To provide a multidisciplinary assessment of all registered children;

(d) To ensure follow-up assessment with a therapeutic plan designed to provide early stimulation and preventive measures, so that a reversible disability does not become permanent;

(e) To make a coordinated effort to utilize all available expertise on the Island, where possible, to prevent and minimize disabilities at an early stage;

(f) To provide periodic reassessment of the child's physical, educational and social development and to continue surveillance through adolescence to adulthood;

(g) To involve the family/guardian during assessment and therapy and to provide counselling and social support;

(h) To use all available opportunities to enlighten the general public on the rights of the child and to promote changes in attitudes to the disabled child;

(i) To monitor the total health needs of the registered disabled child.

143. The Children's Development Centre provides three basic types of services to the community:

(a) Therapeutic rehabilitative services offering medical assessment and care, physiotherapy, occupational therapy, speech pathology and audiology, psychological assessment and social welfare services;

(b) Educational services through an Education Unit which provides educational programming for children with multiple handicapping conditions who are functioning on a trainable/moderate level. Children between the ages of 5 and 16 years are accepted into this programme. Children are prepared to enter other special schools for high-functioning students. If physically disabled children are given adequate therapy, together with training in the use of appropriate prosthetic and adaptive devices. Others may have to remain until the maximum age and then move on to sheltered or open workshops for vocational training. During 1994, the Education Unit had an attendance of 15 children - 9 boys and 6 girls.

(c) Day-care services through a Day Care Unit catering to children under the age of five years. Children are prepared in this unit for entry into the public education system or for the centre's Education Unit. During 1994, the Day Care Unit had 15 children.

144. During 1992, a total of 1,174 persons were registered at the Centre and 1,386 received the appropriate medical reviews.

Residential care - St. Andrew's Children's Centre

145. Residential care for the physically and mentally disabled is provided at the St. Andrew's Children's Centre. A total of 20 patients are cared for at this centre. Medical and psychiatric coverage is provided at the centre by visiting physicians. Referrals are made to the tertiary health institutions for in-patient/out-patient care. Extended home visits by patients are encouraged and contact with the community is maintained through church attendance and other social activities.

Evalina Smith Children's Ward

146. This facility is located at the St. Philip District Hospital, a hospital in one of the rural areas. It caters to 24 severely/profoundly mentally retarded children and young adults. All patients are dependent on complete nursing care. Medical services are provided once weekly. Indoor activities geared at stimulating patients are conducted on a daily basis and relatives are encouraged to visit regularly.

147. The Government subscribes to promoting international cooperation, with the goal of exchanging appropriate information in the field of preventative health care and other servcices for disabled children. A workshop was held in April 1994 to introduce the Standard Rules on the Equalization of Opportunities for People with Disabilities to a range of government and non-governmental agencies and individuals who are working on the National Plan of Action for the Disabled. The workshop was held under the auspices of the Barbados National Council for the Disabled (BARNOD). Subsequently, the Caribbean Initiative on Equality and Non-Discrimination, a non-governmental organization in Barbados, was approached to advise on a further series of seminars. Several persons involved with issues related to disabled children have attended relevant international conferences and seminars.

148. There is still a need for greater attention to be paid to ensuring that wider and more extensive services are made available to persons with disabilities, particularly children. The Ministry of Education has identified three factors which make it difficult to reach the desired goals outlined in article 23 of the Convention. These are limited rehabilitation equipment and shortage of trained rehabilitation therapy personnel, partial integration of disabled children into the general school system, and the need for a building code to ensure that all public and commercial buildings are constructed (with ramps, rails, etc.) to accommodate the disabled.

149. Included in the Government's Plan for the Ministry of Education (1993-2000), the process of integrating the disabled into the mainstream of the shcool system is to be accelerated. Strategies to be adopted in pursuit of this objective will include identifying children with various disabilities, developing specially designed syllabuses, providing teacher-training programmes, developing after-school programmes for vocational skills and training opportunities for persons between 13 and 18 years, and increasing public awareness programmes to sensitize the community to the importance of special education.

C. Article 24 - Health and health services

150. The Government of Barbados continues to be guided by the philosophy, "The right to health care is a fundamental human right, without which none of the other rights guaranteed under the Constitution can be attained". A healthy people in a healthy environment form an essential part of the wealth-creating capacity of the country. As a result, the health services form an essential component of the socio-economic development of Barbados. Every Barbadian is therefore entitled to comprehensive and adequate health care. In the context of the Government's National Development Policy all

sectors of Government and the private sector have a role to play in making quality health care a reality for all (Government's Development Plan 1993-2000, section concerning the Ministry of Health).

151. The state of children's health in any community is a reflection of the health status of the entire population and is a good indicator of the progress made by any society. Much has been achieved in the field of child health and nutrition during the last two decades, resulting in healthier children and increased life expectancy. This was the conclusion of the researchers who prepared the National Plan of Action for Children 1992. In an effort to ensure that the health care needs of all children are met, the Barbados Government has had a long-standing tradition of providing free and effective health care for children, primarily those under the age of 16 years and in some instances up to 18 years. In addition, the Drug Service (Special Benefit Service) Regulations, 1986 provide for the free dispensation of prescription medication to children under 16 years of age. Free dental care is provided for children up to the age of 18 years and eye care up to the completion of secondary school.

152. The Ministry of Health has the legal responsibility for promoting and preserving the health of all Barbadians, (Health Services Act, chap. 44, sect. 3). The Minister is also empowered to establish health institutions at suitable places, and to make regulations, inter alia, for "providing for proper management and administration of any health services institutions established ..." (sect. 5).

153. The health care infrastructure is comprised mainly of a centrally located public hospital, smaller private hospitals and polyclinics which offer primary health care, and are located in various districts throughout the Island. These polyclinics are widely accessible and heavily utilized, as they provide free and effective medical care and medication. The Child Health Clinics located in the various polyclinics are the primary sources for monitoring the growth and development of all children from age six weeks onwards.

Primary health care - Maternal and child health

154. The Ministry of Health through its primary halth care programme places particular emphasis on the health of women, infants and adolescents. This emphasis ensures that healthy women are able to give birth to healthy infants and that infants continue to receive the necessary health care required for physical growth and development. All pregnant women are encouraged to attend antenatal health clinics before the twelfth week of gestation for routine care, counselling and medical investigations, family planning services and child health services. These services are free of cost.

155. The maternal health programme is designed to ensure safe delivery and an uneventful portpartum period. Physical examinations are carried out along with laboratory investigations to detect and prevent problems associated with pregnancy. Tetanus toxoid immunization is given to the non-immunized or partially immunized pregnant woman. High risk and problem cases seen are referred early to the antenatal clinic at the Queen Elizabeth Hospital, the tertiary centre for further care and management. All others are referred at

30 weeks. Advice is given on various topics including the importance of breastfeeding, preparation for delivery, family planning and family life development.

156. All deliveries take place in a hospital setting either at the Queen Elizabeth Hospital or at a private hospital. This situation allows for medical coverage of all deliveries and thus lessens the incidence of complications for both mother and infant. In 1993, Barbados accepted the UNICEF challenge towards making hospitals "baby friendly". The main thrust of this initiative was towards increasing the practice of breastfeeding which had been on the decline in Barbados for some time. Easy availability of infant formulas, aggressive marketing by the milk formula companies and the increased number of working mothers having babies may have contributed to this decline. In order to ensure the success of this initiative, a National Breast Feeding Committee and a brestfeeding policy were implemented, as well as a training programme for nurses and doctors on how to implement a successful programme. In 1993, the infant mortality rate was 9.8 per 1,000 births and the maternal mortality rate per 1,000 was 0.1 (Barbados Statistical Service 1995; see appendices VIII and VIIIA).

157. The critical link between immunization and infant mortality has been recognized by the Government and as a result one of its major objectives is to reach 100 per cent immunization coverage for children under one year. At the end of 1992, 90 per cent of children in the age group 0-4 years were covered for DPT, 89 per cent were covered for polio and 90 per cent in the age group 1-4 years were covered for measles (see appendix IX).

Nutrition

158. Nutritional guidance is provided within the primary health-care setting and administered by the National Nutrition Centre. This centre was established by the Government in 1972 to promote and maintain a standard of good nutrition in Barbados through education and research. Special attention is paid to the nutritional needs of children five years old and under, adolescents, and pregnant and nursing mothers.

Diarrhoeal disorders and malnutrition

159. In Barbados there is no major problem with malnutrition or diarrhoeal disorders. There have been absolutely no reported cases of malnutrition for many years. In the case of diarrhoeal disorders, there have been a few reported cases which are considered to be inevitable, but which the Ministry of Health sees as being nothing to cause alarm. In 1994, there were 2 reported cases of gastroenteritis in children under the age of one year, while there were 456 reported cases in children between the ages of one and four years. This rate is still not considered problematic, as these cases are considered mild and treatable (Ministry of Health, 1995).

Family planning

160. Family planning education and services are provided by the Ministry of Health through its eight polyclinics, which are strategically located for easy

access by the entire population. In addition, the Barbados Family Planning Association, a non-governmental organization, provides similar services.

161. Owing to the success of the family planing programmes, emphasis has been shifted to Family Life Development, which is primarily concerned with improving the quality of life of each individual in the society. The expected results of this programme are: improved family life; further reduction in teenage pregnancies; reduction in child abuse; reduction in rape and related crimes; care of the aged in their homes; reduction in crimes, especially among teenagers; reduction and elimination of drug abuse; improved mental health of the population.

162. The overall emphasis placed on maternal and child-health services which are delivered through the primary health-care sector is reinforced by the financial resources allocated to that area. Information from the Ministry of Health shows that for the financial year 1993/94 the Government allocated 30 per cent of the total budget to primary health-care services. Of this amount, approximately 21 per cent was spent directly on maternal and child-health services.

D. Articles 26 and 18, paragraph 3 - Social security and child-care services and facilities

163. The social security system in Barbados ensures that either contributory or non-contributory pensions are made available to families. Unemployment benefits are provided for persons who are out of work and who qualify. A welfare system is in place. This system offers welfare grants to families which receive no paternal support and where the single parent, usually the mother, earns little or no income. The level of income is the primary criterion for deciding the extent of assistance offered by the Welfare Department. However, other factors such as general living conditions, home environment and the ability of the parent or guardian to secure the basic needs of the child or children in question are also considered. The main aim of the Welfare Department is to ensure that the child's basic needs are met and that families with children are provided with an adequate standard of living.

164. Child-care services are provided for working mothers and parents, in general, who require such services. These are in the form of day-care services or day nursery services. Day care in Barbados means daily care for children between the ages of birth and five years. However, children are usually placed in day care from the age of six weeks. Day-care centres and day nurseries are operated by the Government and by private individuals. The Child Care Board is the duly authorized body to oversee the registering and monitoring of all centres and nurseries throughout the Island.

165. Day-care centres are divided into two categories, namely family day care and the larger centre-based operations. Family day-care centres cater for groups of children ranging from 3 to about 15 children depending upon the available space in the home. The required space per child is 22 square feet of indoor/rest space. This must be exclusive of such areas as kitchen and storage. The larger centres may have as many as 130 children, depending also on the available floor space.

166. There are strict guidelines to which operators of these centres must adhere and these are contained in the Child Care Board "Day Care Minimum Standards". This information booklet was published in 1986. The Child Care Board is assisted in the supervision of these centres by the Ministry of Health and the Fire Department which issue certificates of inspections on an annual basis. The Ministry of Health also has an ongoing visiting service to the day-care centres and nurseries.

167. Currently the Government operates 14 day-care centres whereas there are 63 privately operated centres known to the Child Care Board. The average daily attendance at these centres is 2,200 children. This number fluctuates depending on the time of year. During the school holiday periods the numbers are lower because older siblings are at home to supervise the younger ones while their parents are at work.

168. During the 1980s the Government was the major operator of day-care centres in that it provided services for approximately 1,100 children, while the private enterprises catered to approximately 800 children. This has changed over the years and during the period 1990/91 approximately 917 children were in 15 government-operated centres, while 1,540 children were in the 47 known privately operated centres. For the period 1991/92 there were approximately 650 children in the government-operated centres and about 1,200 in the 52 privately operated centres.

169. The number of children attending day-care centres declined during the national recession as parents were laid off from work and were therefore able to look after their children at home. The Child Care Board in its commitment to ensuring that all children are provided with the needed care, waived the fees for those parents who could not pay. This policy continues today.

170. A review of the private day centres was done during the period 1990-1991 and it was found that some of them did not comply with the stated regulations and minimum standards. To reduce this trend, the Government through its Government Information Service informed operators of these centres and the public of the Child Care Board's guidelines for setting up a day-care centre. These announcements also reminded the public about the registration process, and that it was illegal to operate any child-care institution without the permission of the Child Care Board. From all observations, there has been an improvement in compliance with the rules and regulations of the Child Care Board.

171. During the period 1994/95, there was a gradual increase in the number of children attending the centres and it appears that this trend will continue. Board meetings are held monthly for all operators of day-care centres and these meetings are used as opportunities for training. There are some problems associated with the monitoring of services in the day-care centres. Some operators do not always follow procedure and as such set up centres in their homes without the permission of the Child Care Board. Also, there is not enough staff assigned to the area of monitoring the centres: at present, there is one person allocated this responsibility, consequently, effective monitoring of this service is hampered.

VII. EDUCATION, LEISURE AND CULTURAL ACTIVITIES

Legislation

172. The current Education Act (chap. 41) was proclaimed in 1983 and amended in 1992. Its main objective has been democratization of education and the regularizing of the management and operation of all secondary schools. Under this Act all teachers in government schools have become members of the public service, that is, employees of the Government.

173. The Education Act provides for education for every child of "compulsory age" and section 43 of that Act places a duty on schools or the Government's attendance officers, who are attached to the Ministry of Education, to ensure that children attend school. Primarily, the statutory duty has been placed on parents to ensure that their children receive full-time education suitable to their age and ability (sect. 41). A penalty for breaching the provision and for assaulting school attendance officers is included.

174. Education is free for all those who attend government educational institutions at primary, secondary and tertiary levels (sect. 52). There are some private schools which are assisted by the Government. All private schools are regulated by the Government to the extent that the Education Act requires them to be registered with the Minister of Education and that such registration is done only after an inspection takes place and the school satisfies the criteria specified in the Act (sect. 33). The Act is very comprehensive and covers all aspects of education from school attendance, registration of private institutions and the duties of teachers to the management of primary and composite schools and the provision of special education.

175. The Education Regulations also provide a detailed curriculum for primary and secondary public schools which include, in relation to the latter, "Technical and Vocational Studies, including Industrial Arts, Home Economics, Needlecraft, Secretarial Skills, Commercial Studies" (regulation 40 (m)).

Administration

176. The Ministry of Education has administrative responsibility for the provision of education in Barbados. It is headed by the Minister who is assisted by a staff of administrative and technical officers in the execution of the Government's policy. The Ministry is divided into two main sections, the technical and the administrative sections. The Chief Education Officer, who heads the technical staff, is the chief professional adviser, while the Permanent Secretary is the chief administrative officer with responsibility for the administration of the Ministry. The administrative section has responsibility for personnel, financial and general administrative matters while the technical section has responsibility for specific education matters.

Philosophy of education

177. The philosophy underlying the Barbados education system is based on the premise that every child should have educational opportunities of a kind that would allow him to make the most of his abilities and to contribute to the

social and economic growth of the country. To this end, a wide and varied range of educational opportunities are made available to students at each stage, from nursery to university level.

178. The Ministry of Education has identified the following aims for its education portfolio:

(a) To develop critical independent thought and personal values;

(b) To encourage the pursuit of excellence;

(c) To encourage a sense of responsibility and respect for the rights of others;

(d) To foster a predisposition to be creative and innovative in arts, science and technology;

(e) To develop insights into and critical evaluation of the concerns and issues of the nation, the region and beyond;

(f) To instil the desire and develop the capacity for productive work in concert with the individual's aptitude and ability and the needs of society;

(g) To strengthen the linkage between education and the world of work by emphasizing labour management, entrepreneurship and productivity;

(h) To promote a spirit of patriotism;

(i) To encourage citizens to better appreciate and respect the laws and institutions of the nation;

(j) To foster a greater appreciation of and commitment to the care and protection of the environment;

(k) To promote a better understanding of our cultural heritage as well as that of our Caribbean neighbours;

(l) To raise spiritual awareness and reaffirm basic moral values;

(m) To promote respect and tolerance for racial, cultural and religious diversity and collaboration in the interest of national development;

(n) To inspire a love for learning and the pursuit of high intellectual standards;

(o) To encourage participation in sport as an avenue for physical well-being and social cohesion; and

(p) To equip citizens with the skills and attitudes to function effectively in an environment of new and emerging technology.

Institutional infrastructure

179. The educational system is structured into tiers, with some overlapping at each one as follows:

(a) Early childhood education - at this level children between the ages of 3-5 years are taught in nursery schools and the nursery classes in some primary (5-11) and composite (5-16+) schools;

(b) Primary - at this level children between the ages of 5-11 years are taught at primary and composite schools;

(c) Secondary - at this level children between the ages of 11-16+ years are taught in:

(i) Secondary schools;

(ii) Senior departments of composite schools (5-16+); and

(iii) Senior schools (11-16).

Senior School students who have done very well in their school certificate examinations which are set by the Caribbean Examination Council (CXC) continue for another two years pursuing advanced-level education in sixth form schools and the Barbados Community College. Success at this level satisfies matriculation requirements for university education;

(d) Tertiary - at this level young adults who have completed secondary education attend institutions which provide technical, vocational and university education.

Private schools

180. The educational system includes a number of private nursery, primary and secondary schools which provide general education similar to that in the government-operated schools. Most of these are secular schools with a few denominational ones accepting students of all religious persuasions. It is a requirement of the Education Act (chap. 41) that these schools satisfy standards set by the Minister and that they are registered as having done so. A register of all approved private educational institutions is published annually in the Official Gazette. The student enrolment of these schools represents less than 8 per cent of the total enrolment of public schools. Table 1 of appendix X shows the number of children enrolled at these schools for the period 1990-1995.

181. Assisted private secondary schools receive government grants by way of subventions, salary grants and bursaries. Subventions are paid on an annual basis in such specialist areas as science, commercial subjects, home economics and industrial arts/crafts. Salary grants provide for monthly payments to teachers in the ratio of 1 teacher to every 40 pupils up to 240 pupils and 1 teacher for every 80 pupils thereafter. Bursaries are provided to assist

with the payment of the school fees of those pupils who satisfy the criteria of eligibility for the grant of a bursary. Provision is made for 2,900 bursaries annually.

Universal coverage

182. Barbados has attained universal coverage in primary and secondary education. This has been facilitated through the Government's strong commitment to education, a free education policy, and an effective family planning programme which has led to a reduction in the school-age population. The use of automatic promotion procedures in basic education has virtually eliminated repetition. Tables 2 and 3 of appendix X show the number of students enrolled and teaching staff in the primary and secondary public schools for the period 1990-1995. In addition, appendix X addresses the issue of the professional development of the teacher (see tables 4 A and 4 B).

Vocational education and training

183. Vocational education is offered at all secondary schools to certificate level. Through a system of options, the students can select from several subjects including woodwork, metalwork, technical drawing, electronics, building technology, home economics, needlework, arts and crafts. Some students gain a measure of occupational competence as a result of taking advantage of these opportunities in the secondary school curriculum, thereby enhancing their chances of employment on leaving school. However, the thrust of the programme is to provide a sound general education rather than training in specific job skills. The programme is valuable in preparing students for studies at the post-secondary level.

184. The Occupational Training Act, 1979 (chap. 42), now to a large extent modified by the Technical and Vocational Educational and Training Council Act, 1993, was enacted to implement the training of persons for "gainful employment in occupations in all branches of economic activity in Barbados". This programme is widely used for the training of many children and young persons through apprenticeship and occupational training. A National Training Board was established under the Act to carry out the purposes of the Act. Several training schemes are planned and executed by this Board. The Barbados Community College and the Samuel Jackman Prescod Polytechnic, established by statute, also provide education in technology.

Guidance and counselling programmes

185. The Government has established a guidance and counselling programme in the 22 public secondary schools by placing a guidance counsellor in each school. One of the underlying principles of the programme is that all students are entitled to guidance. The guidance counsellor is therefore available to all students, but is supported by teachers who have responsibility for the pastoral care and well-being of students.

186. The principals of secondary schools have the duty of ensuring that discipline is maintained throughout the school at all times. Corporal

punishment may be administered in schools as part of the disciplinary procedure. However, such force must be no more than is reasonably necessary in all circumstances.

VIII. SPECIAL PROTECTION MEASURES

A. Children in situations of emergency

187. The Government of Barbados recognizes, in principle, that humanitarian assistance should be given to all persons where possible, and that children should be given special protection in cases where they might be considered vulnerable victims such as in armed conflicts. It is accepted that every effort should be made to assist such children with the appropriate treatment and therapy which would enhance their social reintegration. To date, these issues have not confronted the Government of Barbados.

B. Children in conflict with the law

1. Article 40 - Administration of juvenile justice

188. The administration of juvenile justice in Barbados is premised on the fact that juvenile cases should be treated differently from those of adults. As a result, special courts have been developed to hear juvenile matters. In Barbados, the Juvenile Court is situated in a different building, from that of other magistrates courts, and provision is made for matters to be heard at different times from those at which adult matters are heard.

189. Barbados is divided into six districts, and the magistrate in each district has jurisdiction in juvenile matters. The separation of juvenile from adult offenders is crucial for fear of possible contamination of juveniles by adult offenders and as a means of reducing the trauma associated with the experience of an adult court.

190. There is provision in Barbados for a juvenile to be charged jointly with an adult. The parties appear before the Magistrates Court where the case is heard. If the juvenile pleads guilty or is found guilty, he or she is then transferred to the Juvenile Court for sentencing.

191. Restriction is placed on the classes of persons who are allowed to attend juvenile proceedings. These restrictions are aimed at preserving the anonymity of the juvenile. In Barbados, the press is generally mindful of the statutory provisions, and unless the case is one of homicide, it almost never reports matters concerning juvenile offenders. However, where offences have been committed against juveniles, especially sexual offences, although the juvenile's name is never mentioned, the proceedings from the criminal courts may be published in the daily newspapers. The debate continues around the right of the juvenile to remain anonymous versus the right of the public to know what is happening in the community.

2. Article 37 (b), (c), (d) - Deprivation of liberty

192. A child may be deprived of his/her liberty as a result of his/her behaviour, if found guilty in a Juvenile Court. Proceedings in this regard

may be brought before the Juvenile Court by authorized persons such as probation officers, or any person appointed by the Government to act as social welfare officers or child-care officers. Parents may also make official complaints concerning the inappropriate and uncontrollable behaviour of their children.

193. A juvenile may be committed to the Government Industrial School as a means of depriving the individual or his/her liberty. Section 11 (1) of the Reformatory and Industrial Schools Act of Barbados provides that a juvenile can be committed to the school for a period of not less than three years and not more than five years, but not in any case extending beyond the time when the juvenile will attain the age of 19 years. The Government Industrial School currently has in residence 41 boys and 29 girls ranging in age from 13 to 18.

3. Article 37 (a) - The sentencing of juveniles

194. The concept of "due process" and "natural justice" is operational in the Juvenile Court. "Due process" is defined as the process whereby an individual's liberties and restriction of action by the State are guaranteed. "Natural justice" is interpreted to mean that, if a person is found guilty, sentencing should be pronounced without delay.

195. Within the Juvenile Court the rules of procedure are the same as those governing criminal proceedings in the ordinary Magistrate Court exercising summary jurisdiction. The standard of proof is the same, that is, beyond a reasonable doubt. Proceedings in the Juvenile Court begin by the magistrate explaining to the juvenile in simple language the substance of the alleged offence and asking the individual if he/she admits to it. With regard to the juvenile, the court is concerned with treatment and rehabilitation of the offender, as much as punishing him/her for his/her deviant behaviour. Punishment of the juvenile, therefore, depends to a great extent on the information available to the court at the time of disposing of the case. The court recognizes that the whole environment, as well as inherited and acquired traits and other factors, influence a child's behaviour. It is also cognizant of the fact that all behaviour is symptomatic of an underlying cause, and that examination of such causes is necessary if rehabilitation is to occur.

196. The options available to the magistrate when sentencing a juvenile are outlined in Section 16 of the Juvenile Offenders Act. These include:

(a) Reprimand and discharge or placing the juvenile under the supervision of a probation officer or in the care of a relative or another fit person;

(b) Sending the juvenile to the Industrial School or to an orphanage/children's home;

(c) Ordering the juvenile, or parent or guardian, to pay a fine, damages or cost or for the parent to give security for the juvenile's good behaviour;

(d) Dealing with the case in any other manner in which it may be legally dealt with.

197. It is generally provided that no young person should be sentenced to imprisonment, although, if a young person exhibits the type of behaviour which cannot be accommodated at a place of detention for juveniles he or she may be sent to prison. In such cases the young person sentenced to imprisonment should not be allowed to associate with the adult prisoners. The sentence of death must not be pronounced or recorded against a person under the age of 18 years; instead, the court must sentence him to be detained in such a place and under such conditions as may be directed by the Minister, and while so detained, be deemed to be in legal custody (Juvenile Offenders Act, sect. 14).

C. Article 39 - Physical and psychological recovery and social reintegration

198. An inherent principle in juvenile justice is that of rehabilitation. To this end, when persons are sentenced to the Industrial School or any other custodial setting, education and training are part of the process. Children are taught vocational and educational skills, and are instructed in moral and religious values. Recreational activity is provided as part of social development, and psychological counselling is available to those children in need.

199. There is a need for a facility to bridge the gap between the Industrial School and a children's home. Such a facility should be equipped to address the psychological and emotional needs of the child. The problem years are usually between the ages of 16 and 18 years.

200. There is a diversion/redirective programme for juveniles in operation in Barbados. This is called the Juvenile Liaison Scheme, which was mentioned in paragraph 81. The programme engages the support of volunteers to assist in the rehabilitation of the juvenile offenders under the direction of the Police Department. These volunteers are encouraged to develop a relationship with the offenders and provide guidance as well as perform the role of substitute parent. The Juvenile Liaison Scheme counselled 191 children between the ages of 7 and 17 years for the period January-December 1994. Statistics relative to children in conflict with the law are annexed (see appendix X1).

IX. CHILDREN IN SITUATIONS OF EXPLOITATION

A. Article 32 - Economic exploitation

201. Within the current international economic framework (global village concept) some developing countries have been forced into situations of poverty and extreme competition. Such conditions are conducive to the economic exploitation of children. Barbados has been fortunate in this area and has no reported incidents of child labour. The Government of Barbados is cognizant of its responsibility to its children and to the disservice such activities bring to the development of the child's potential. The Employment (Miscellaneous Provision) Act, 1977 addresses the concerns expressed in article 32 of the Convention. These relate to the impact child labour would

have on a child's education, health and morals, establishing a minimum age for admission into the work force as well as regulating the hours and conditions of employment.

202. The Employment (Miscellaneous Provisions) Act, 1977 (sec. 3) states that no persons shall employ a child or young person of compulsory school age in any undertaking whatever during school hours. (School hours are normally 8.30 a.m. - 3.00 p.m.). The Act also prohibits night work for a child or young person, that is, during the period 6.00 p.m. - 7.00 a.m. The result of these provisions is to emphasize the child's education and health and to minimize working periods for children and young persons.

B. Article 33 - Drug abuse

203. In his message on the International Day Against Drug Abuse and Illicit Trafficking in 1992, the United Nations Secretary-General, Boutros Boutros-Ghali, stated that "drug abuse has escalated dramatically in recent years ... no nation is immune from the devastating consequences of drug abuse and illicit trafficking ...". This statement can be applied to Barbados, in that within recent years there has been increase in the use of illicit drugs and drug trafficking.

204. However, Barbados is committed to eradicating this scourge of society thereby protecting the minds and bodies of its children. To this end, the Government has developed a national plan of action against drug abuse. The national plan focuses on law enforcement, treatment and rehabilitation, prevention (information and education), and international cooperation and coordination.

Legislation

205. The Drug Abuse (Prevention and Control) Act, 1990-14 came into effect on 15 August 1990. In this Act provision is made for the protection of school children in school areas, and is aimed at making school areas drug free. Section 21 makes it an offence for persons to have "controlled drug" in their possession or within a radius of 100 yards of any school premises. A "controlled drug" is a listed narcotic drug or psychotropic substance or other specially listed substance. Section 22 makes it an offence for a person to knowingly and intentionally employ, hire, use, persuade, induce or coerce a child to commit any offence provided for under the Drug Abuse (Prevention and Control) Act. This provision is aimed essentially at those persons who employ or hire children in the drug trade. It is also an offence under this section for any person to receive a controlled drug from a child in contravention of the Act.

206. The penalties provided in the legislation are fines and a term of imprisonment. The period of imprisonment may be for life in the most serious offences. Recently, magistrates and judges in Barbados have sent strong messages to traffickers and drug users in that they have sentenced persons to life imprisonment, confiscated property and imposed enormous monetary penalties.

207. It is alleged that children are being used as "look-outs" for drug traffickers, however, statistics on this issue are not yet available. This matter is being investigated.

Education

208. The Ministry of Education has developed a policy statement for schools on alcohol, tobacco, narcotics and other controlled drugs. This policy includes a set of guidelines for principals particularly where there is suspicion that students on school property are perhaps carrying or involved with controlled drugs.

209. Substantial progress has been made with respect to the implementation of the provisions of the Convention, in so far as educating persons about the illicit use of drugs. Police officers go into schools, visit youth groups and speak on issues relating to drug use and its dangers. Additionally, every year there is a series of activities organized by governmental and non-governmental organizations to highlight the problems associated with drug abuse and prevention.

210. The Royal Barbados Police Force has established outposts in areas which are regarded as troublesome. The police officers at these community outposts liaise with members of youth groups and delinquents and engage them in redirective recreational programmes.

C. Article 34 - Sexual exploitation

211. As is universally accepted sexual abuse represents a betrayal of a child's trust and an expression of family dysfunction. Whether the abuse is by a family member or not, the use of children in any form of sexual exploitation is illegal in Barbados. The following enactments are examples of the firm commitment to reducing such behaviour: the Offences against the Persons Act, Chapter 141, Part IV; the Sexual Offences Act, 1992-3; the Protection of Children's Act, Chapter 146 A; the Punishment of Incest Act, Chapter 148.

212. The Offences Against the Persons Act (chap. 141, Part IV) addresses sexual offences in general and illustrates the seriousness with which such crimes are viewed. This seriousness is demonstrated by the severe penalties imposed. These penalties range from a maximum of life imprisonment to a minimum of two years. Section 48 (1) states: "Any person who unlawfully and carnally knows any child under the age of 13 years shall be guilty of a felony and being convicted thereof shall be liable to imprisonment for life ...".

213. The Sexual Offences Act, 1992-3, makes it an absolute offence to have sexual intercourse with a person under the age of 14 years. If the young person is between the ages of 14 and 16 years, the defence of honest belief on reasonable ground that the young person was 16 years or more may be pleaded, provided that the offender is not more than 24 years of age (sects. 4 and 5). This defence appears appropriate as sometimes the development of the child might influence the perpetrator's action. Provision is also made to punish

offences against children of the family. These include adopted children, foster children or wards. The penalty may range from 10 years to life imprisonment.

214. Section 17 of the same Act addresses the issues of prostitution. This section makes it an offence for the owner, occupier, or other person having control of premises to induce or knowingly permit a minor under the age of 16 years to be on such premises for the purposes of prostitution.

215. The Protection of Children Act (chap. 146 (A)) addresses the issue of pornography. Section 3 of this Act makes it an offence for a person to do any of the following:

(a) Take or permit to be taken any indecent photograph of a child;

(b) Distribute or show an indecent photograph of a child;

(c) Have in his possession indecent photographs of a child whether or not for the purpose of distribution or to be shown to others;

(d) Publish or cause to be published any advertisement likely to be understood as conveying that the advertiser distributes or shows indecent photographs of children or intends to do so.

216. The Punishment of Incest Act (chap. 148) strictly prohibits sexual intercourse between family members and children. It is an offence for parents to have sexual intercourse with children or grandchildren. The Act also makes it an offence for a child to knowingly have sexual intercourse with a parent, grandparent, brother or sister.

217. The Child Care Board and the Royal Barbados Police Force are the administrative agencies which oversee the protection of children in matters relating to sexual abuse. Monitoring of the effect of recent legislation is continuing.

218. There are several difficulties associated with prosecuting offenders who may have committed the crime of sexual abuse against children. Among these are secrecy, refusing to give evidence and accepting money for compensation. With family abuse the assault is often kept a secret until the child becomes pregnant, or is of an age to recognize that the activity is wrong and confides in someone. Parents, sometimes out of sympathy for the child fail to press charges against the perpetrator or to give evidence when the matter is being investigated. Some mothers, because of current personal relationships with the offenders, refuse to give evidence and therefore the Police Department is unable to proceed with the case. It has been suggested that some families may accept out-of-court settlements, thereby thwarting the judicial criminal process.

219. There has been some progress in empowering children and educating the public on the issue of sexual abuse. This has been achieved through the Child Care Board's Public Education Programme as well as the counselling services which are made available to victims of sexual abuse. These services may be obtained privately or through government agencies. Psychological

services are available through the Ministry of Health, Ministry of Education and the Child Care Board. Annexed are the statistics for sexual offences (see appendix XII).

D. Article 36 - Other forms of exploitation

220. The Government of Barbados is committed to the eradication of all forms of exploitation of children, which may hinder their appropriate development.

E. Article 35 - Sale, trafficking and abduction

221. As mentioned earlier, the Government is a signatory to the International Convention for the Suppression of the Traffic in Women and Children and the 1947 Protocol. It is against the law to engage in such activities in Barbados. The Offences Against the Persons Act (chap. 141, sects. 44-47) addresses the issue of abduction of females under the age of 21 years for the purposes of carnal knowledge and for marriage. Under this Act, severe penalties may be imposed if the person is found guilty. These penalties range from a maximum of life imprisonment to a minimum of two years.

X. CHILDREN OF MINORITY OR INDIGENOUS GROUPS

222. Barbados has always recognized in principle the rights of minority groups to practise their own culture, religion and enjoy the use of their own language. This is enshrined in Chapter 3 of the Constitution as it relates to the individual's rights and freedoms.

XI. CONCLUSION

223. The preparation of this document provided the Government with the opportunity to review the services offered to children and all of the legislation which affects their total development. The Government of Barbados is committed to ensuring that all information gleaned and recommendations forwarded regarding improving the services of this vulnerable group will be considered favourably, and every effort will be made to implement these suggestions where appropriate.

Reference list of legislations

1. Employment (Miscellaneous Provisions) Act, Chapter 346
2. The Child Care Board Act, Chapter 381
3. The Sexual Offences Act, Chapter 146 (A)
4. The Change of Name Act, Chapter 212 (A)
5. The Minors Act, Chapter 215
6. The Maintenance Act, Chapter 216
7. The Family Law Act, Chapter 214
8. The Vital Statistics and Registration Act, Chapter 191
9. The Health Services Act, Chapter 44
10. The Juvenile Offenders Act, Chapter 138
11. The Offences Against the Person Act, Chapter 141
12. The Prevention of Cruelty to Children Act, Chapter 145
13. The Reformatory and Industrial Schools Act, Chapter 169
14. The Liquor Licences Act, Chapter 182
15. The Barbados Citizenship Act, Chapter 186
16. The Adoption Act, Chapter 212
17. The Marriage Act, Chapter 218

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